

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action dated October 5, 2006.

The status of the application is as follows:

- Claims 1-20 are pending and are presently under consideration. Claims 1, 6, 7-9, 11, 12, 14, 17, and 19 have been amended and claims 4, 5, 10, 16, and 20 have been cancelled herein.
- Claim 11 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite.
- Claims 1, 2, 4-10, 12, 14, and 16-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Newsom (US 2,160,893).
- Claims 3, 13, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Newsom in view of the Examiner's Official Notice.

These rejections are discussed below.

The 35 U.S.C. §112, Second Paragraph Rejection

Claim 11 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. It is respectfully requested that this rejection be withdrawn in light of amendments made herein to independent claim 1.

The 35 U.S.C. §102(b) Rejection

Claims 1, 2, 4-10, 12, 14, and 16-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Newsom (US 2,160,893). It is respectfully requested that this rejection be withdrawn, as Newsom fails to disclose each and every element as recited in the subject claims as amended (A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.1987)).

Claim 1

The claimed invention relates generally to protective packaging of electronic devices. To that end, claim 1 as amended recites *a unitary packaging assembly... comprising: an outer sidewall having a plurality of arcuate coves and at least a plurality of stress absorbing seams; and a lower assembly floor that is framed by the outer sidewall, the lower assembly floor having i) a plurality of arched base pedestals, and ii) an elevated receiving bed that provides added stiffness to said lower assembly floor and that is configured to receive an electrical component, wherein the elevated receiving bed includes a concave dome.* Newsom fails to disclose these claimed features.

Briefly described, Newsom discloses a carton that is designed to retain eggs, wherein the carton is shaped in such a manner that empty cartons can be stacked upon other empty cartons. Newsom, however, is silent with respect to *an outer sidewall having...at least a plurality of stress absorbing seams* as claimed. The Examiner cites Figure 4 of Newsom as disclosing these claimed elements, and particularly states that edges of horizontal walls between inverse concavities in the egg carton disclosed in Newsom are equivalent to *stress absorbing seams*. Applicants' representative respectfully disagrees, as edges of horizontal walls disclosed in Newsom walls are not *seams* as claimed. Additionally, Newsom nowhere teaches that these portions of walls are stress absorbing portions.

Furthermore, Newsom fails to disclose, teach, or suggest *a lower assembly floor having... an elevated receiving bed that provides added stiffness to said lower assembly floor and that is configured to receive an electrical component, wherein the elevated receiving bed includes a concave dome* as claimed. The Examiner cites reinforcing ribs as shown in Figure 4 of Newsom as anticipating the elevated receiving bed. It can be discerned, however, that the elevated ribs do not *include a concave dome* as recited in claim 1.

Claim 6

Claim 6 depends from claim 1, and recites wherein the *dome has a non-circular perimeter*. The Examiner cites Figure 4 and reasons that the bottom portions of inverse concavities (29) in a carton are non-circular since they intersect with raised ribs. Applicants' representative respectfully disagrees, as Newsom teaches that the concavities are full circle

concavities. (See page 2, first column, lines 40-45). Accordingly, Newsom fails to disclose, teach, or suggest a dome with a *non-circular perimeter*.

Claim 9

Claim 3 depends from claim 7, and, as amended, recites *the outer sidewall has at least four arcuate coves, each of the arcuate coves having a first and second end, and further wherein stress absorbing seams are positioned at first and second ends of the arcuate coves*. As stated above, Newsom does not disclose, teach, or suggest stress absorbing seams, much less a particular configuration of stress absorbing seams with respect to a plurality of arcuate coves.

Claim 12

Independent claim 12 recites *a unitary packaging assembly kit comprising at least one packaging assembly formed from material stock being substantially of a non-rigid composition, having a butterfly geometry, comprising: an outer sidewall having i) a plurality of arcuate coves, wherein each of the arcuate coves has a first end and a second end, and ii) a plurality of stress absorbing seams, such that a stress absorbing seam is situated at the first end and the second end of each arcuate cove; and a lower assembly floor that is framed by the outer sidewall, the lower assembly floor having an elevated receiving bed that includes a concave dome having a dome perimeter, and an electrical component that is on the elevated receiving bed*.

As described above, Newsom fails to disclose, teach or suggest a *stress absorbing seam*, much less *stress absorbing seams* configured in a particular manner with respect to arcuate coves as claimed. Additionally, the carton disclosed in Newsom does not include an *electrical component that is on the elevated receiving bed* as claimed.

Claim 19

Claim 19 depends from claim 1 and recites *said assembly is of a butterfly geometry*. The Examiner states that the carton disclosed in Newsom could be described as being of a butterfly geometry. Applicants' representative respectfully disagrees, as the geometry of the carton of

Newsom is rectangular in nature, and does not resemble geometry associated with a butterfly (as shown in Figures 1-3 of the subject application).

Claims 2, 7, 8, 14, 17, & 18

These claims are dependent upon claims 1 and 12, respectively, and for at least the reasons provided above are believed to be patentably distinct over the cited reference.

The 35 U.S.C. §103(a) Rejection

Claims 3, 13, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Newsom in view of the Examiner's Official Notice. Withdrawal of this rejection is requested, as independent claims 1 and 12, from which claims 3, 13, and 15 respectively depend, are believed to be in condition for allowance.

Conclusion

It is believed that each of the claims now in the application is distinguishable one from the other and over the prior art. Therefore, reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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